

Application No. 09/512,306  
Amendment dated September 29, 2005  
After Final Office Action of June 30, 2005

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### REMARKS

In view of the above amendment, applicant believes the pending application is in condition for allowance.

The Office Action and prior art relied upon have been carefully considered. In an effort to expedite the prosecution claims 2, 10 and 11 have been canceled.

In the Office Action the Examiner rejected claims 1, 2, 4, 5, 7, 9, 10, 12-15, 17, and 18 under 35 U.S.C. 102 (a) as being anticipated by Thomas (US 5,666,645). Claims 7, 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas.

On page 2 of the Office Action, in the "Response to Arguments", the Examiner states that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the art.

The Examiner further contends that applicant's arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

In order to eliminate this ground of rejection, applicant has submitted the present claim amendments to emphasize and clearly recite characteristic structural features of the present invention that are not anticipated by or obvious from Thomas.

The characteristic structural features clearly added by amendment are, as understood with reference to the illustration of Fig. 1 together with related description in the specification (reference numbers used hereinafter denote corresponding components in the embodiment), the capability of the program guide information output section (203) that is provided in a broadcaster to receive not only the self-produced common program guide information from the common program guide information producing section (204) but also other broadcaster's common program guide information via the common

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program guide information receiving section (202) from the program guide information collecting/transmitting apparatus (101). The program guide information output section (203) unites the self-produced common program guide information and the other broadcaster's common program guide information, and outputs the united common program guide information as all broadcasters' common program guide information to a TS multiplexing apparatus (105). Furthermore, the program guide information output section (203) outputs at least the self-produced common program guide information received from the common program guide information producing section (204) when transmission of other broadcaster's common program guide information has failed.

### Thomas

The cited Thomas et al reference fails to disclose the claimed relationship between the program guide information producing apparatus and the program guide information collecting/transmitting apparatus.

In rejecting the claims of the present invention, the Examiner contends that Thomas shows a program guide information producing apparatus by referring to item 70 of Fig. 1. The Examiner continues by stating Thomas's Fig. 1 system further discloses a self-produced information transmitting section, a common program guide information receiving section (item 80), and a program guide output section (items 70 and 40), which are equivalent to those of the present invention.

The above assessment made by the Examiner is incorrect.

As shown in Fig. 1, the system of Thomas is an EPG management and distribution system 1 that includes an automated data collection subsystem 10, a feed generation subsystem, and others (refer to column 5, lines 16-25), which are provided for management of EPG information supplied from various types of EPG providers (including broadcasters).

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The serious problem confusing the rejection is that the Examiner is identifying the EPG management and distribution system 1 of Thomas as equivalent to the program guide information producing apparatus (102) of the present invention.

The Examiner is requested to consider the role and functions of the EPG management and distribution system 1 of Thomas, which are doubtless identical with those of the program guide information collecting/transmitting apparatus (101) of the present invention, **not the program guide information producing apparatus (102)** equipped in each broadcaster.

Thus, if the present rejections are based upon such **misunderstanding**, the Examiner's rejections will be off the point as a matter of course.

Nevertheless, in the rejections, the Examiner recognizes that the item 70 in Fig. 1 of Thomas is for feed generation to broadcasting stations. This is clear evidence that the EPG management and distribution system 1 is equivalent to the program guide information collecting/transmitting apparatus (101) of the present invention.

In the structure of the present system, program guide information producing apparatus (102) of the present invention must be located in a broadcaster (i.e. one of the broadcasting stations), and is accordingly not a facility to be located in an overall administration center, such as the program guide information collecting/transmitting apparatus.

The present invention has as an object to provide a program guide information producing apparatus for a broadcaster which is not adversely influenced by problems caused in the program guide information collecting/transmitting apparatus, in order to assure reliable transmission of common program guide information in each broadcaster. Moreover, the present invention has as an object to provide a program guide information collecting/transmitting system incorporating the above-described program guide information producing apparatus.

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As understood with reference to a digital broadcasting program guide information collecting/transmitting system shown in Fig. 18, problems will arise if a program guide information collecting/transmitting apparatus 101 is not operating properly, or if the network connecting broadcasting center systems to the program guide information collecting/transmitting apparatus 101 is not operating properly. In such cases, each broadcaster cannot renew the common program guide information. If the problem lasts long (e.g., when the effective broadcast time of the presently aired common program guide information expires), each broadcaster will be unable to output the common program guide information itself.

The same problems will arise in the data management and distribution system disclosed in Thomas et al.

In this respect, the Thomas's system cannot solve the problems as accomplished by the present invention.

In view of the above, consideration and allowance are, therefore, respectfully solicited.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

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The Director is hereby authorized to charge any fees, or credit any overpayment, associated with this communication, including any extension fees, to CBLH Deposit Account No. 22-0185, under Order No. 20402-00602-US from which the undersigned is authorized to draw.

Dated: September 29, 2005

Respectfully submitted,

By

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